

DOCKET NO. 3:12CR68-RJC-DSC

V.

(4) MICHAEL J. MURPHY,

Defendants.

Davey asserts that he will be unfairly prejudiced because his co-defendants “may assert defenses which are inconsistent or antagonistic to the defense raised by [Davey].” Additionally, he asserts that “the disparity in the volume of allegations and evidence between the co-defendants may unfairly prejudice Davey by joinder as well.”

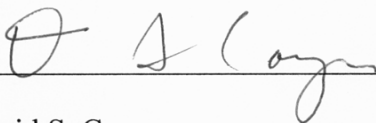
Based on the case law and Federal Rules of Criminal Procedure cited by the Court in its August 29, 2012 Order (doc. 69), the Court finds that joinder is proper and that Defendant Davey’s allegations of possible prejudice do not meet the burden of showing that a miscarriage of justice would result from a joint trial.

For the foregoing reasons, the Court **DENIES** Defendant’s Motion for Severance.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: October 5, 2012

A handwritten signature in dark ink, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

